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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,545	01/26/2006	Mitsugi Nomiya	FUJI22.367 (100794-01038)	5849
26304	7590	10/30/2009	EXAMINER GESESSE, TILAHUN	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT	PAPER NUMBER 2618
		MAIL DATE 10/30/2009	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/566,545	NOMIYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	TILAHUN GESESSE	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 August 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2,4,6,8,10,12,14,16-18 and 20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2,4,6,8,10,12,14,16-18,20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/25/09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2,4,6,8,10,12,14,18,20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,4,6,8,10,12,14,16-18,20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Maveddat et al (USPN 6,129,604).

Claim 2,10 Maveddat discloses a dynamic traffic control method that controls traffic in a radio network system where a radio network controller causes a plurality of radio base stations to change radio outputs, (see figs. 1,5-8) upon which the wireless

network having BSCs (110-114) controlling plurality of base stations (116,118,120, 122, 124, 128, 130, 132) and the area of service divided into zones (A-C)see figs. 6-7) and set load shifting trigger event threshold (802) wait for some time of day , week or upon actual level of loads of the BSC or MSC (see col. 7 lines 53-61).

comprising:

- measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (col.8, lines 2-5) upon monitoring the level of load of the cell if indeed above the threshold measured of the zones

-Predicting time required for the channel utilization rate of a first cell of the cells to reach a level, at which radio output control over the first cell is to be performed based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (col. 7, lines 62-66) upon predicting time stamp that load level becomes high or overload , its required load exceeding the MSC capacity and call may drop due to overload (see col.8, lines 45-50 and fig 9) " warning level of the cell".

-reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the cell according to the predicted time ( col.8, lines 25-32 and fig. 8) upon which cells served by old MSC reduces and new call routes to new MSC serving zone or cells near by, eventually all calls switch to new or old MSC or vise versa and see col.7, lines 25-37).

Claim 4,6 Maveddat discloses sending one instruction for each of the first cell and the second cell to the corresponding radio base stations from the radio network

controller (see col.6, lines 34-41 and fig.5) in which traffic load monitoring controller (514).

Claim 8, 12,14 Maveddat discloses counting a number of areas included in each of the cells of the radio base stations every predetermined period; and the implementation level according to the number of areas included in the corresponding cell (see fig.6-7 and col.6, line 58-col.7, line 13) a number of zones and monitoring load in different time of the day.

Claim 16,17-18 Maveddat discloses predicting a traffic change in advance; and changing the warning level or the implementation level according to the predicted traffic change (see level (col. 7, lines 62-66) upon predicting time stamp that load level becomes high or overload , its required load exceeding the MSC capacity and call may drop due to overload (see col.8, lines 45-50 and fig 9) “ warning level of the cell”.

Claim 20 Maveddat discloses a radio network controller device that controls traffic by causing a plurality of radio base to change radio outputs, (see figs. 1,5-8) upon which the wireless network having BSCs (110-114) controlling plurality of base stations (116,118,120, 122, 124, 128, 130, 132) and the area of service divided into zones (A-C)see figs. 6-7) and set load shifting trigger event threshold (802) wait for some time of day , week or upon actual level of loads of the BSC or MSC (see col. 7 lines 53-61). comprising:

- measuring a channel utilization rate of each of cells of the radio base stations every predetermined period (col.8, lines 2-5) upon monitoring the level of load of the cell if indeed above the threshold measured of the zones

-Predicting time required for the channel utilization rate of a first cell of the cells to reach a level, at which radio output control over the first cell is to be performed based on a movement of the channel utilization rate in the past if the channel utilization rate of the first cell is at a warning level (col. 7, lines 62-66) upon predicting time stamp that load level becomes high or overload , its required load exceeding the MSC capacity and call may drop due to overload (see col.8, lines 45-50 and fig 9) “ warning level of the cell”.  
-reducing the radio output of the first cell and increasing the radio output of a second cell adjacent to the cell according to the predicted time ( col.8, lines 25-32 and fig. 8) upon which cells served by old MSC reduces and new call routes to new MSC serving zone or cells near by, eventually all calls switch to new or old MSC or vise versa and see col.7, lines 25-37).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 22, 2009  
T.B.G

Tilahun B Gesesse  
Primary Examiner  
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